K 1944

File No. Cattle License and Maintenance II/44

Legal Department

B BRANCH

Subject:— Rules and Notifications under the Bombay She-cattle (Bovines) License and Maintenance Order, 1944.

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Office of the R.L.A.

The present title of the Order is clumsy. It would be a decided improvement to alter it to -"The Bombay Milk and Dry Cattle Licensing and Maintenance Order, 1944."If F.D.(supply) has no objection to changing the title as suggested above a definition of "Cattle" will have to be added in the definition clause. "Cattle" may be defined as meaning only cows, bufaloes and their young, whether in milk or dry or capable of yielding milk in due course. Similarly clauses 3 and 12 of the Order may be amended by substituting the word "cattle" for the words "bovine she-cattle; Clause 17 of the Order may also be amended by substituting "cattle or any class of cattle" for the words "bovine she-cattle" and consequential amendments may be made in the forms appended to the Order. These are minor amendments and can be effected without much difficulty.

2. As regards the amendment suggested by A(F) to clause 5 of R.D. draft Order at page 25 ante attention is invited to the draft Order supplied with para.1 of the R.L.A.'s opinion No. 7041 dated the 10th October 1944. Any person destroying calves will be punishable under that Order. No amendment of the present Order therefore appears necessary.

Id/- P.N.M.
28-10-44

Remembrancer of Legal Affairs.

U.R. to F.D. (Supply) ,No. 7437, dated the 31st October 1944.

S.C. 14/7

4 copies.

Office of the R.L.A.

A revised draft of the Bombay She-Cattle(Bovines)-license and Maintenance Order, 1944 is sent herewith. In consultation with the D.C.S. the intention of the administration department has been clarified. As the draft Order came from R.D. it appeared that the intention was only to license cattle in stables. However the department's intention now is to license all milk cattle whether kept in a compound or in a stable. The order has been modified to make this clear.

It seems that in some cases the person in charge of the maintenance of licensed cattle will be other than the owner. The Order in those cases lays the obligation to obtain a license only upon the owner. However to make it easy for the licensing Authority to give directions in those cases a new category of persons has been introduced, namely, "stable-keeper on other person in charge of licensed cattle". A stable keeper has also been given the duty of seeing that cattle other than his own in his stable are duly licensed.

Clause 11 does not prohibit thesale or slaughter of licensed cattle. Further, it is not satisfactory from the legal point of view. Good diary farming can hardly be made in this general way a legal obligation whose breach would warran a prosecution. However, the D.C.S: was reluctant to omit it. It is understood that it is not intended to prosecute under this clause; if prosecution there is to be, it will be for failure to comply with directions under clause 14, Clause 11 will not necessarily make co-operation in any Government sche of salvaging dry cattle a legal obligation. For example if th licensee looks after his cattle adequately in his own stable need not so far as this Order is concerned join in any scheme of transporting his dry cattle elsewhere.

The instruction in the license to exhibit it in the sta has no legal sanction behind it. It may be considered whethe this should be made one of theprovisions of the Order.

In place of the R.D. draft notification at p. 75, two

~~revised draft~~.

revised draft notifications are sent herewith.

In place of the draft Forms A and B at pages 69 and 71 two revised draft forms are sent herewith.

Id/- B.S.H.

For Remembrancer of Legal Affairs.

U.R. to F.D.(supply), No. 6775, dated the 29th September 1944.

Finance Department. (Supply)

Bombay Castle, 1944.

Defence of India Rules

No. 9257/24.- In exercise of the powers conferred by sub-rule (2) of the rule 81 of the Defence of India Rules, the Government of Bombay is pleased to make the following order, namely .-

1. (1) This Order may be called the Bombay She-cattle (Bovines) License Maintenance Order, 1944.

(ii) It extends to the whole of the Province of Bombay

(iii) It shall come into force in any local area on such date as the Provincial Government may notify in the Official Gazette.

2. In this Order, unless there is anything repugnant in the subject or context -

(a) "Form" means a form appended to this Order.

(b) Licensing Authority" means any authority appointed by the Provincial Government to grant licenses under this Order.

(c) "Licansed cattle" means eattle in respect of which a license under this Order has been obtained or is necessary.

3. No person shall maintain bovine she-cattle in any area notified under clause 1(iii) of this Order, except under and in accordance with the conditions of, a valid license in Form B.

Where the person in charge of licensed cattle is other than the owner, it shall be necessary only for the owner to obtain a license under this Order.

A person maintaining licensed cattle at more than one stable or place shall require separate licenses for each stable or place.

4. An application for a license shall be made in Form A to the Licensing Authority.

5. A license under this order shall be additional to any license required by or under any Municipal Act.

S.C-16/7

4 copies.

6. A fee of annas four per animal, subject to a maximum of five rupees, shall be charged for the grant of each license under this Order.

7. A license issued under this Order shall ordinarily be for a period of one year.

8. An application for the renewal of a license must be made so as to reach the Licensing Authority one month before the date of the expiry of the license.

9. If a license granted under this Order is defaced, lost or destroyed, the Licensing Authority may, after making such inquiry as is deemed necessary, issue a duplicate license on payment of a fee of one rupee.

10. The Provincial Government may at any time, without assigning any reason, cancel any license granted under this Order.

11. Every licensee in respect of his own licensed cattle and every stable-keeper or other person in charge of licensed cattle shall maintain, or cause to be maintained, the cattle in good condition to the satisfaction or the Licensing Authority, whether they are in milk or not.

12. Every stable -keeper shall satisfy himself that all bovine suh-cattle in his charge are duly licensed and shall report to the licensing Authority failure on the part of any owner to license such cattle.

13. The licensee shall report to the Licensing Authority any reduction or increase in the number of his licensed cattle and the cause of such reduction or increase, within one week of such reduction or increase.

14. Every licensee and every stable-keeper or other person in charge of licensed cattle shall comply with any directions that may be given from time to time by the Licensing Authority in regard to the maintenance of licensed cattle and the submission of information regarding them.

15. An Inspector or any other officer authorised by the

Licensing A uthority, may enter and inspect any stable or place in which licensed cattle are kept, to see whether the conditions of the license under this Order, or any directions given by the Licensing Authority, are being carried out, or to ob obtain any information from the licensee or stable-keeper in respect of licensed cattle.

16. Any court trying a contravention of the provisions of this Order may direct that any licensed cattle in respect of which the court is satisfied that this Order has been contravened, shall be forfeited to His Majesty.

17. The Provincial Government may by special or general order exempt any bovine she-cattle , or class of bovine she-cattle, from all or any of theprovisions of this Order.

(here enter revised Forms A and B)

By order of the Governor of Bombay.

Secretary to Government.

S.C. 10/7

5 cipies.

Finance Department (supply) .

Bombay Castle, 1944.

No. .- In pursuance of clause 17 of the Bombay She-cattle (Bovines) Licence and Maintanance Order, 1944, the Government of Bombay is pleased to exempt from all the provisions of the said Order the following classes of she-cattle, namely .-

(a) cows, heifers and their calves,

(b) she-buffaloes, buffalo heifers and buffalo calves certified by a Veterinary Officer as unfit for brd breeding purposes.

By order of the Governor of Bombay.

Secretary to Government.

S.C. 16/7

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Finance Department (Supply).

Bombay Castle, 1944.

No. In pursuance of sub-clause (iii) ofclause 1 of the Bombay She-cattle (Bovines) License and Maintenance Order 1944, the Government of Bombay ispleased to appoint ..... 1944, as the date on which the said Order shall come into force in the City of Bombay and the Bombay Suburban District.

To be filled in By F.D. (Supply).

By order of the Governor of Bombay

Secretary to Government.

S.C. 14//
4 copies.

Notification.

Finance Department (supply)
Bombay Castle,19th December 1944.

633/IV/C In pursuance of sub-clause (b) of clause 2 of the Bombay She-cattle (Bovines)Licence and Maintanance Order 1944, the Governmentof Bombay, is pleased to authorise the Licensing Officer in the office, of the Deputy Director of Agriculture (dairy Farming), to be the licensing authority for the purposes of the said order.

By order of the Governor of Bombay,

A.D.GORWALA,

Secretary to Government,

No.633/IV-C.
Finance Department (Supply)
Bombay Castle, 19th December 1944.

Forwarded with compliments to .-
The Secretary to H.E. the Governor of Bombay,
All Departments of the Secretariat (except the separate Department),
The Deputy Commissioner of Police, Crime Branch II, C.I.D.,Bombay.
The Asstt, Director of Civil Supplies(Inspectorate) Bombay, (with 10 spare copies)
The President, Bombay Cattle Owner's Association, Narandas Bhagawandas Stables, Agripada, Bombay 11,
The President, Suburban Dairy Own-ers' Association, C/o. Adarsha Dugdhalaya, 214 Charni Road, Bombay,
The President, The Bombay Suburban Cattle owners' Association, Military Road, Santa Cruz,
The President Borivli Section Cattle Owners' Association Bakai Road, Borivli,
The President, Bombay Milk Cattle owners' Association 383, Lamington Road, Bombay, 7.

Sd/-
for Joint Secretary to Government.

S.C. 16/7
4 copies.